IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1937 OF 2007

Chandrabhaga Bhagwan Supnekar ..Petitioner

Vs.

The State of Maharashtra
& Ors. ..Respondents

...

Mr.P.B.Kakade Advocate for Petitioner
Smt.A.S.Pai APP for State

...

**CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.**

DATE : OCTOBER 17, 2007

P.C.:

1. Heard. On face of the petition, it is apparent that the custody of the children has been entrusted to a person under the order of the District Court dated 8th September, 2006. Once it is clear that the custody of the children has been entrusted to a person under the order of the competent Court, the remedy for the aggrieved party is by way of challenge of such order and not by way of petition for *habeas corpus.* The question of issuance of writ of *habeas corpus* does not arise when the custody is not illegal nor the person is illegally

detained. There is clear admission on the part of the Petitioner in the petition itself that the custody is on account of judicial order. Being so, the question of issuance of writ of *habeas corpus* does not arise. Petition therefore, is rejected.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]